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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,787

12/22/2006

Johannes Schroetter

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EXAMINER

DIAZ, THOMAS C

ART UNIT

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3656

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/562,787	<b>Applicant(s)</b> SCHROETTER, JOHANNES	
	<b>Examiner</b> THOMAS DIAZ	<b>Art Unit</b> 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18,21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)                     | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed 12/29/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Specification***

The disclosure is objected to because of the following informalities: The specification should not directly reference the claims since they change during prosecution. This problem occurs on page 1 of the specification. The description of figure 4 in the brief description of the drawings section of the specification recites "(= single pulse transmitting element)". It be more appropriate to write out (wherein two adjacent supports form a single pulse transmitting element) or something similar to this.

Appropriate correction is required.

### ***Drawings***

The drawings are objected to because of the problems listed on the PTO-948 form submitted with this action. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the

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application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-18 and 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

The claims are replete with grammatical and idiomatic errors which are too numerous to fully list. What follows are examples of a few problems.

Claim 1 recites “on which the supports are rotatably disposed by means of bearing means” and “one or more freewheel means”. Are the bearing means mean to be the same as the freewheel means? They are both recited in the claim as separate elements and it is unclear whether applicant intends there to be more than one bearing means to support the axles.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by “such as” (or “in particular”) and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 1 recites the broad recitation “freewheel means”, and the claim also recites “in particular freewheel bearings” which is the narrower statement of the range/limitation.

Claim 1 recites “an arrangement of adjacent supports such that the springs, shock absorbers or magnets disposed on a first support can cooperate with one

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another..." in addition to the recitation "a plurality of supports". It is unclear whether these are supposed to represent the same supports or completely separate groups. Clarification is needed in order to understand whether this arrangement of adjacent supports is a grouping within the plurality of supports. Furthermore, it is unclear whether "a first support" is a completely separate support or whether it is part of the adjacent supports. Perhaps clearly reciting what the pulse transmitting element is in relation to the supports and clearly reciting how the supports are related to each other will clarify the claim.

Claim 1 further recites "characterized in that" near the bottom of the claim. Such a recitation raises the question as to whether or not the preceding limitations are merely part of a preamble of the claim. It is recommended to delete "characterized in that".

Claim 1 recites "the supports are each rotatably disposed on their own independent axle whereby the axles..." It is recommended to delete "whereby" because it raises the issue of whether or not the recitations thereafter are positively recited or not. See MPEP 2106.

Claim 1 further recites "such that the springs, shock absorbers or magnets of one support can cooperate with an adjacent support for transmitting pulses". Is the "one support" the same as the "first support"? Is the "an adjacent support" separate from the other supports previously claimed or is it part of a different grouping?

Claim 2 recites "for forming a pulse transmitting element, two supports, spaced apart from one another, are disposed on a common axle in a manner fixed against relative rotation". Are the "two supports" different from the supports recited in claim 1?

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Also, are these "two supports" part of the "adjacent supports" or completely separate? It is unclear what the "pulse transmitting element" actually is in relation to the supports. In addition the claim goes on to further recite the supports are disposed on a common axle. This contradicts claim 1 which recites that the supports are each disposed on their own independent axle. It is also unclear what is meant by "in a manner" because it would be unclear whether applicant is positively reciting the elements are fixed against relative rotation or not. It is recommended to delete "in a manner".

Claim 3 recites "an adjacent element". Is applicant referring to an adjacent pulse transmitting element or a completely different element?

Claim 5 recites "as the support, at least one ring or disk is provided, and a plurality of such supports is disposed on a common axle". It is unclear what is being claimed here. What is "as the support"?

Claim 6 recites "the supports are freely rotatably supported by means of a plurality of bearings resting outside on the periphery". Are these bearings the same as the ones recited in claim 1? It is unclear whether these are meant to be the same bearings or a different set of bearings.

Claim 7 recites "the common axis of rotation of the supports corresponds to a straight line or a curved path, preferably a circular path". This is another broad/narrow limitation and is improper and unclear what is being positively recited.

Claim 8 recites "as the support for the spring means, a circular disk, ring, split ring, or the like is provided". It is unclear what is actually being claimed. Is applicant trying to claim that the support comprises a circular disk, etc? Also, the recitation "spring

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means" lacks antecedent basis. Furthermore, the term "or the like" renders the claim indefinite since it is unclear what is meant by it or what it is meant to encompass.

Claim 9 and 21 recite "one or more first gear wheels are disposed on one or more axles". Are these separate axles than the ones mentioned in claim 1? Claim 9 also recites "in a manner" and "or the like" which is indefinite for similar reasons as mentioned above for other claims.

Claim 11 recites "or the like" and is thus indefinite. It also recites "preferably" which is indefinite since it is unclear whether the following is merely exemplary. Also "and so forth" is indefinite.

Claim 12 recites "equipped with at least one spring, and preferably with two springs" which is a broad/narrow limitation and is indefinite.

Claim 14 recites "additional inertial parts, such as flywheels" which is a broad/narrow limitation and is indefinite. The "pinions, gear wheels, backstops" lack antecedent basis.

Claims 15 and 16 recite "and/or" which is a broad/narrow limitation and is indefinite

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the



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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-18, 21-22, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Molina (USP 4606193) in view of McGrath (USP 5012694).**

Regarding claims 1-18 and 21-22, Molina discloses a device for force transmission comprising: a plurality of supports (fig.7; 91-106) [for receiving or disposing one or more springs, shock absorbers, or magnets]; at least one axle (fig.7, 5-8), on which the supports are rotatably disposed by means of bearing means (col.5, lines 27-35; describe the flywheels being freewheeled which in other words implies they are mounted on one-way bearings); one or more freewheel means, in particular freewheel bearings (fig.7 and col.5, lines 27-35; they are not labeled in fig.7 but are attached to each flywheel), [which act between the individual supports and the at least one axle, so that the supports that carry the spring, shock absorber or magnets are rotatable in only one direction of motion either about an axis of rotation]; characterized in that the supports are each rotatably disposed on their own independent axle (see fig.7).

Molina fails to explicitly disclose the structure of the flywheels in particular having springs, shock absorbers or magnets disposed on the supports, which are each oriented in the direction of motion of the support.

McGrath discloses the use of a flywheel or support (8) having shock absorbers (12) disposed on the support, which are each oriented in the direction of motion of the support for the purpose of effectively absorbing vibration and storing energy.

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It would have been obvious to one having ordinary skill in the art at the time of the invention to have made use of the flywheels or supports taught by McGrath in the device disclosed by Molina, for the purpose of effectively absorbing vibration and storing energy. Thus, the freewheel transmission disclosed by Molina would operate more efficiently.

Claims 2-18 and 21-22, as best understood, are disclosed by Molina in view of McGrath.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS DIAZ whose telephone number is (571)270-5461. The examiner can normally be reached on Monday-Friday 8:30am to 5:00pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas Diaz/  
Examiner, Art Unit 3656

/Richard WL Ridley/  
Supervisory Patent Examiner, Art Unit 3656